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EXODUS 22:1 "If a man steals an ox or a sheep, and kills it, or sells it; he shall pay five oxen for an ox, and four sheep for a sheep."

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Laws concerning theft, Exo 22:1-4; concerning trespass, Exo 22:5; concerning casualties, Exo 22:6. Laws concerning deposits, or goods left in custody of others, which may have been lost, stolen, or damaged, Exo 22:7-13. Laws concerning things borrowed or let out on hire, Exo 22:14, Exo 22:15. Laws concerning seduction, Exo 22:16, Exo 22:17. Laws concerning witchcraft, Exo 22:18; bestiality, Exo 22:19; idolatry, Exo 22:20. Laws concerning strangers, Exo 22:21; concerning widows, Exo 22:22-24; lending money to the poor, Exo 22:25; concerning pledges, Exo 22:26; concerning respect to magistrates, Exo 22:28; concerning the first ripe fruits, and the first-born of man and beast, Exo 22:29, Exo 22:30. Directions concerning carcasses found torn in the field, Exo 22:31.

#### Verse 1

If a man shall steal - This chapter consists chiefly of judicial laws, as the preceding chapter does of political; and in it the same good sense, and well-marked attention to the welfare of the community and the moral improvement of each individual, are equally evident.

In our translation of this verse, by rendering different Hebrew words by the same term in English, we have greatly obscured the sense. I shall produce the verse with the original words which I think improperly translated, because one English term is used for two Hebrew words, which in this place certainly do not mean the same thing. If a man shall steal an ox (שׁוֹר shor) or a sheep, (שֶׂה seh), and kill it, or sell it; he shall restore five oxen (בָּקָר bakar) for an ox, (שׁוֹר shor), and four sheep (צֹאן tson) for a sheep (שֶׂה seh). I think it must appear evident that the sacred writer did not intend that these words should be understood as above. A shor certainly is different from a bakar, and a seh from a tson. Where the difference in every case lies, wherever these words occur, it is difficult to say. The shor and the bakar are doubtless creatures of the beeve kind, and are used in different parts of the sacred writings to signify the bull, the ox, the heifer, the steer, and the calf. The seh and the tson are used to signify the ram, the wether, the ewe, the lamb, the he-goat, the she-goat, and the kid. And the latter word צֹאן tson seems frequently to signify the flock, composed of either of these lesser cattle, or both sorts conjoined.

As שׁוֹר shor is used, Job 21:10, for a bull probably it may mean so here. If a man steal a Bull he shall give five Oxen for him, which we may presume was no more than his real value, as very few bulls could be kept in a country destitute of horses, where oxen were so necessary to till the ground. For though some have imagined that there were no castrated cattle among the Jews, yet this cannot be admitted on the above reason; for as they had no horses, and bulls would have been unmanageable and dangerous, they must have had oxen for the purposes of agriculture. Tson צֹאן is used for a flock either of sheep or goats, and seh שֶׂה for an individual of either species. For every seh, four, taken indifferently from the tson or flock must be given; i.e., a sheep stolen might be recompensed with four out of the flock, whether of sheep or goats: so that a goat might be compensated with four sheep, or a sheep with four goats.

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EXODUS 22:2 If the thief is found breaking in, and is struck so that he dies, there shall be no guilt of bloodshed for him.

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**Verse 2**

If a thief be found - If a thief was found breaking into a house in the night season, he might be killed; but not if the sun had risen, for then he might be known and taken, and the restitution made which is mentioned in the succeeding verse. So by the law of England it is a burglary to break and enter a house by night; and "anciently the day was accounted to begin only from sunrising, and to end immediately upon sunset: but it is now generally agreed that if there be daylight enough begun or left, either by the light of the sun or twilight, whereby the countenance of a person may reasonably be discerned, it is no burglary; but that this does not extend to moonlight, for then many midnight burglaries would go unpunished. And besides, the malignity of the offense does not so properly arise, as Mr. Justice Blackstone observes, from its being done in the dark, as at the dead of night when all the creation except beasts of prey are at rest; when sleep has disarmed the owner, and rendered his castle defenceless." - East's Pleas of the Crown, vol. ii., p. 509.

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EXODUS 22:3 If the sun has risen on him, guilt of bloodshed shall be for him; he shall make restitution. If he has nothing, then he shall be sold for his theft.

EXODUS 22:4 If the stolen property is found in his hand alive, whether it is ox, donkey, or sheep, he shall pay double.

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**Verse 4**

He shall restore double - In no case of theft was the life of the offender taken away; the utmost that the law says on this point is, that, if when found breaking into a house, he should be smitten so as to die, no blood should be shed for him; Exo 22:2. If he had stolen and sold the property, then he was to restore four or fivefold, Exo 22:1; but if the animal was found alive in his possession, he was to restore double.

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EXODUS 22:5 "If a man causes a field or vineyard to be eaten, and lets his animal loose, and it grazes in another man's field, he shall make restitution from the best of his own field, and from the best of his own vineyard.

EXODUS 22:6 "If fire breaks out, and catches in thorns so that the shocks of grain, or the standing grain, or the field are consumed; he who kindled the fire shall surely make restitution.

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**Verse 6**

If fire break out - Mr. Harmer observes that it is a common custom in the east to set the dry herbage on fire before the autumnal rains, which fires, for want of care, often do great damage: and in countries where great drought prevails, and the herbage is generally parched, great caution was peculiarly necessary; and a law to guard against such evils, and to punish inattention and neglect, was highly expedient. See Harmer's Observat., vol. iii., p. 310, etc.

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EXODUS 22:7 "If a man delivers to his neighbour money or stuff to keep, and it is stolen out of the man's house; if the thief is found, he shall pay double.

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Verse 7

Deliver unto his neighbor - This is called pledging in the law of bailments; it is a deposit of goods by a debtor to his creditor, to be kept till the debt be discharged. Whatever goods were thus left in the hands of another person, that person, according to the Mosaic law, became responsible for them; if they were stolen, and the thief was found, he was to pay double; if he could not be found, the oath of the person who had them in keeping, made before the magistrates, that he knew nothing of them, was considered a full acquittance. Among the Romans, if goods were lost which a man had entrusted to his neighbor, the depositary was obliged to pay their full value. But if a man had been driven by necessity, as in case of fire, to lodge his goods with one of his neighbors, and the goods were lost, the depositary was obliged to pay double their value, because of his unfaithfulness in a case of such distress, where his dishonesty, connected with the destruction by the fire, had completed the ruin of the sufferer. To this case the following law is applicable: *Cum quis fidem elegit, nec depositum redditur, contentus esse debet simplo: cum vero extante necessitate deponat, crescit perfidia crimen, etc.* - Digest., lib. xvi., tit. 3, 1. 1.

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EXODUS 22:8 If the thief isn't found, then the master of the house shall come near to God, to find out if he hasn't put his hand to his neighbour's goods.

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Verse 8

Unto the judges - See Clarke's note on Exo 21:6.

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EXODUS 22:9 For every matter of trespass, whether it be for ox, for donkey, for sheep, for clothing, or for any kind of lost thing, about which one says, 'This is mine,' the cause of both parties shall come before God. He whom God condemns shall pay double to his neighbour.

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Verse 9

Challengeth to be his - It was necessary that such a matter should come before the judges, because the person in whose possession the goods were found might have had them by a fair and honest purchase; and, by sifting the business, the thief might be found out, and if found, be obliged to pay double to his neighbor.

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EXODUS 22:10 "If a man delivers to his neighbour a donkey, an ox, a sheep, or any animal to keep, and it dies or is injured, or driven away, no man seeing it;

EXODUS 22:11 the oath of the LORD shall be between them both, whether he hasn't put his hand to his neighbour's goods; and its owner shall accept it, and he shall not make restitution.

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 Verse 11

An oath of the Lord be between them - So solemn and awful were all appeals to God considered in those ancient times, that it was taken for granted that the man was innocent who could by an oath appeal to the omniscient God that he had not put his hand to his neighbor's goods. Since oaths have become multiplied, and since they have been administered on the most trifling occasions, their solemnity is gone, and their importance little regarded. Should the oath ever reacquire its weight and importance, it must be when administered only in cases of peculiar delicacy and difficulty, and as sparingly as in the days of Moses.

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EXODUS 22:12 But if it is stolen from him, he shall make restitution to its owner.

EXODUS 22:13 If it is torn in pieces, let him bring it for evidence. He shall not make good that which was torn.

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## Verse 13

If it be torn in pieces - let him bring it for witness - Rather, Let him bring עד הטרפה ed hatterephah, a testimony or evidence of the torn thing, such as the horns, hoofs, etc. This is still a law in some countries among graziers: if a horse, cow, sheep, or goat, entrusted to them, be lost, and the keeper asserts it was devoured by dogs, etc., the law obliges him to produce the horns and hoofs, because on these the owner's mark is generally found. If these can be produced, the keeper is acquitted by the law. The ear is often the place marked, but this is not absolutely required, because a ravenous beast may eat the ear as well as any other part, but he cannot eat the horns or the hoofs. It seems however that in after times two of the legs and the ear were required as evidences to acquit the shepherd of all guilt. See Amo 3:12.

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EXODUS 22:14 "If a man borrows anything of his neighbour's, and it is injured, or dies, its owner not being with it, he shall surely make restitution.

EXODUS 22:15 If its owner is with it, he shall not make it good. If it is a leased thing, it came for its lease.

EXODUS 22:16 "If a man entices a virgin who isn't pledged to be married, and lies with her, he shall surely pay a dowry for her to be his wife.

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## Verse 16

If a man entice a maid - This was an exceedingly wise and humane law, and must have operated powerfully against seduction and fornication; because the person who might feel inclined to take the advantage of a young woman knew that he must marry her, and give her a dowry, if her parents consented; and if they did not consent that their daughter should wed her seducer, in this case he was obliged to give her the full dowry which could have been demanded had she been still a virgin. According to the Targumist here, and to Deu 22:29, the dowry was fifty shekels of silver, which the

seducer was to pay to her father, and he was obliged to take her to wife; nor had he authority, according to the Jewish canons, ever to put her away by a bill of divorce. This one consideration was a powerful curb on disorderly passions, and must tend greatly to render marriages respectable, and prevent all crimes of this nature.

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EXODUS 22:17 If her father utterly refuses to give her to him, he shall pay money according to the dowry of virgins.

EXODUS 22:18 "You shall not allow a sorceress to live.

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#### Verse 18

Thou shalt not suffer a witch to live - If there had been no witches, such a law as this had never been made. The existence of the law, given under the direction of the Spirit of God, proves the existence of the thing. It has been doubted whether *מכשפה* *mecash-shephah*, which we translate witch, really means a person who practiced divination or sorcery by spiritual or infernal agency. Whether the persons thus denominated only pretended to have an art which had no existence, or whether they really possessed the power commonly attributed to them, are questions which it would be improper to discuss at length in a work of this kind; but that witches, wizards, those who dealt with familiar spirits, etc., are represented in the sacred writings as actually possessing a power to evoke the dead, to perform, supernatural operations, and to discover hidden or secret things by spells, charms, incantations, etc., is evident to every unprejudiced reader of the Bible. Of Manasseh it is said: He caused his children to pass through the fire in the valley of the son of Hinnom: also he observed times [*וּעוֹנֵן*, *veonen*, he used divination by clouds] and used enchantments, and used witchcraft, [*וּכְשָׁף* *vechishsheph*], and dealt with a familiar spirit, [*וְעֵשָׂה אֹב* *veasah ob*, performed a variety of operations by means of what was afterwards called the *πνεῦμα πυθωνος*, the spirit of Python], and with wizards, [*יִדְעוֹנֵי* *yiddeoni*, the wise or knowing ones]; and he wrought much evil in the sight of the Lord; 2Chr 33:6. It is very likely that the Hebrew *כַּשָּׁף* *cashaph*, and the Arabic *cashafa*, had originally the same meaning, to uncover, to remove a veil, to manifest, reveal, make bare or naked; and *mecashefat* is used to signify commerce with God. See Wilmet and Giggeius. The *mecashshephah* or witch, therefore, was probably a person who professed to reveal hidden mysteries, by commerce with God, or the invisible world.

From the severity of this law against witches, etc., we may see in what light these were viewed by Divine justice. They were seducers of the people from their allegiance to God, on whose judgment alone they should depend; and by impiously prying into futurity, assumed an attribute of God, the foretelling of future events, which implied in itself the grossest blasphemy, and tended to corrupt the minds of the people, by leading them away from God and the revelation he had made of himself. Many of the Israelites had, no doubt, learned these curious arts from their long residence with the Egyptians; and so much were the Israelites attached to them, that we find such arts in repute among them, and various practices of this kind prevailed through the whole of the Jewish history, notwithstanding the offense was capital, and in all cases punished with death.

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EXODUS 22:19 "Whoever has sex with an animal shall surely be put to death.

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## Verse 19

Lieth with a beast - If this most abominable crime had not been common, it never would have been mentioned in a sacred code of laws. It is very likely that it was an Egyptian practice; and it is certain, from an account in Sonnini's Travels, that it is practiced in Egypt to the present day.

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EXODUS 22:20 "He who sacrifices to any god, except to the LORD only, shall be utterly destroyed."

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## Verse 20

Utterly destroyed - The word **חרם** *cherem* denotes a thing utterly and finally separated from God and devoted to destruction, without the possibility of redemption.

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EXODUS 22:21 "You shall not wrong an alien, neither shall you oppress him, for you were aliens in the land of Egypt."

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## Verse 21

Thou shalt neither vex a stranger, nor oppress him - This was not only a very humane law, but it was also the offspring of a sound policy: "Do not vex a stranger; remember ye were strangers. Do not oppress a stranger; remember ye were oppressed. Therefore do unto all men as ye would they should do to you." It was the produce of a sound policy: "Let strangers be well treated among you, and many will come to take refuge among you, and thus the strength of your country will be increased. If refugees of this kind be treated well, they will become proselytes to your religion, and thus their souls may be saved." In every point of view, therefore, justice, humanity, sound policy, and religion, say. Neither vex nor oppress a stranger.

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EXODUS 22:22 "You shall not take advantage of any widow or fatherless child."

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## Verse 22

Ye shall not afflict any widow, or fatherless child - It is remarkable that offenses against this law are not left to the discretion of the judges to be punished; God reserves the punishment to himself, and by this he strongly shows his abhorrence of the crime. It is no common crime, and shall not be punished in a common way; the wrath of God shall wax hot against him who in any wise afflicts or wrongs a widow or a fatherless child: and we may rest assured that he who helps either does a service highly acceptable in the sight of God.

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EXODUS 22:23 If you take advantage of them at all, and they cry at all to me, I will surely hear their cry;

EXODUS 22:24 and my wrath will grow hot, and I will kill you with the sword; and your wives shall be widows, and your children fatherless.

EXODUS 22:25 "If you lend money to any of my people with you who is poor, you shall not be to him as a creditor; neither shall you charge him interest.

#### Verse 25

Neither shalt thou lay upon him usury - נשך neshech, from nashach, to bite, cut, or pierce with the teeth; biting usury. So the Latins call it usura vorax, devouring usury. "The increase of usury is called נשך neshech, because it resembles the biting of a serpent; for as this is so small as scarcely to be perceptible at first, but the venom soon spreads and diffuses itself till it reaches the vitals, so the increase of usury, which at first is not perceived nor felt, at length grows so much as by degrees to devour another's substance." - Leigh.

It is evident that what is here said must be understood of accumulated usury, or what we call compound interest only; and accordingly נשך neshech is mentioned with and distinguished from תרביה tarbith and מרביה marbith, interest or simple interest, Lev 25:36, Lev 25:37; Pro 28:8; Eze 18:8, Eze 18:13, Eze 18:17, and Exo 22:12 - Parkhurst.

Perhaps usury may be more properly defined unlawful interest, receiving more for the loan of money than it is really worth, and more than the law allows. It is a wise regulation in the laws of England, that if a man be convicted of usury - taking unlawful interest, the bond or security is rendered void, and he forfeits treble the sum borrowed. Against such an oppressive practice the wisdom of God saw it essentially necessary to make a law to prevent a people, who were naturally what our Lord calls the Pharisees, φιλαργυροι, lovers of money, (Luk 16:14), from oppressing each other; and who, notwithstanding the law in the text, practice usury in all places of their dispersion to the present day.

EXODUS 22:26 If you take your neighbour's garment as collateral, you shall restore it to him before the sun goes down,

#### Verse 26

If thou - take thy neighbor's raiment to pledge - It seems strange that any pledge should be taken which must be so speedily restored; but it is very likely that the pledge was restored by night only, and that he who pledged it brought it back to his creditor next morning. The opinion of the rabbins is, that whatever a man needed for the support of life, he had the use of it when absolutely necessary, though it was pledged. Thus he had the use of his working tools by day, but he brought them to his creditor in the evening. His hyke, which serves an Arab as a plaid does a Highlander, (See Clarke's note on Exo 12:34), was probably the raiment here referred to: it is a sort of coarse blanket, about six yards long, and five or six feet broad, which an Arab always carries with him, and on which he sleeps at night, it being his only substitute for a bed. As the fashions in the east scarcely ever change, it is very likely that the raiment of the Israelites was precisely the same with that of the modern Arabs, who live in the very same desert in which the Hebrews were when this law was given. How necessary it was to restore the hyke to a poor man before the going down of the sun, that he might have something to repose on, will appear evident from the above considerations. At

the same time, the returning it daily to the creditor was a continual acknowledgment of the debt, and served instead of a written acknowledgment or bond; as we may rest assured that writing, if practiced at all before the giving of the law, was not common: but it is most likely that it did not exist.

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EXODUS 22:27 for that is his only covering, it is his garment for his skin. What would he sleep in? It will happen, when he cries to me, that I will hear, for I am gracious.

EXODUS 22:28 "You shall not blaspheme God, nor curse a ruler of your people.

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#### Verse 28

Thou shalt not revile the gods - Most commentators believe that the word gods here means magistrates. The original is אלהים Elohim, and should be understood of the true God only: Thou shalt not blaspheme or make light of [תקלל tekallel] God, the fountain of justice and power, nor curse the ruler of thy people, who derives his authority from God. We shall ever find that he who despises a good civil government, and is disaffected to that under which he lives, is one who has little fear of God before his eyes. The spirit of disaffection and sedition is ever opposed to the religion of the Bible. When those who have been pious get under the spirit of misrule, they infallibly get shorn of their spiritual strength, and become like salt that has lost its savor. He who can indulge himself in speaking evil of the civil ruler, will soon learn to blaspheme God. The highest authority says, Fear God: honor the king.

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EXODUS 22:29 "You shall not delay to offer from your harvest and from the outflow of your presses. "You shall give the firstborn of your sons to me.

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#### Verse 29

The first of thy ripe fruits - This offering was a public acknowledgment of the bounty and goodness of God, who had given them their proper seed time, the first and the latter rain, and the appointed weeks of harvest.

From the practice of the people of God the heathens borrowed a similar one, founded on the same reason. The following passage from Censorinus, *De Die Natali*, is beautiful, and worthy of the deepest attention: -

*Illi enim (majores nostri) qui alimenta, patriam, lucem, se denique ipsos deorum dono habebant, ex omnibus aliquid diis sacrabant, magis adeo, ut se gratos approbarent, quam quod deos arbitrarentur hoc indigere. Itaque cum perceperant fruges, antequam vescerentur, Diis libare instituerunt: et cum agros atque urbes, deorum munera, possiderent, partem quandam templis sacellisque, ubi eos colerent, dicavere. "Our ancestors, who held their food, their country, the light, and all that they possessed, from the bounty of the gods, consecrated to them a part of all their property, rather as a token of their gratitude, than from a conviction that the gods needed any thing. Therefore as soon as the harvest was got in, before they had tasted of the fruits, they appointed libations to be made to the gods. And as they held their fields and cities as gifts from their gods, they consecrated a certain part for temples and shrines, where they might worship them."*



Pliny is express on the same point, who attests that the Romans never tasted either their new corn or wine, till the priests had offered the First-Fruits to the gods. *Acts ne degustabant quidem, novas fruges aut vina, antequam sacerdotes Primitias Libassent. Hist. Nat., lib. xviii., c. 2.*

Horace bears the same testimony, and shows that his countrymen offered, not only their first-fruits, but the choicest of all their fruits, to the Lares or household gods; and he shows also the wickedness of those who sent these as presents to the rich, before the gods had been thus honored: -

Dulcia poma,  
Et quoscumque feret cultus tibi fundus honores,  
Ante Larem gustet venerabilior Lare dives.  
Sat., lib. ii., s. v., ver. 12. "What your garden yields,  
The choicest honors of your cultured fields,  
To him be sacrificed, and let him taste,  
Before your gods, the vegetable feast."  
Dunkin.

And to the same purpose Tibullus, in one of the most beautiful of his elegies: -

Et quodcumque mihi pomum novus educat annus,  
Libatum agricolae ponitur ante deo.  
Flava Ceres, tibi sit nostro de rure corona  
Spicea, quae templi pendeat ante fores.  
Eleg., lib. i., eleg. i. ver. 13. "My grateful fruits, the earliest of the year,  
Before the rural god shall daily wait.  
From Ceres' gifts I'll cull each browner ear,  
And hang a wheaten wreath before her gate."  
Grainger.

The same subject he touches again in the fifth elegy of the same book, where he specifies the different offerings made for the produce of the fields, of the flocks, and of the vine, ver. 27: -

Illa deo sciet agricolae pro vitibus uvam,  
Pro segete spicas, pro grege ferre dapem. "With pious care will load each rural shrine,  
For ripen'd crops a golden sheaf assign,  
Cates for my fold, rich clusters for my wine.  
Id. - See Calmet.

These quotations will naturally recall to our memory the offerings of Cain and Abel, mentioned Gen 4:3, Gen 4:4.

The rejoicings at our harvest-home are distorted remains of that gratitude which our ancestors, with all the primitive inhabitants of the earth, expressed to God with appropriate signs and ceremonies. Is it not possible to restore, in some goodly form, a custom so pure, so edifying, and so becoming? There is a laudable custom, observed by some pious people, of dedicating a new house to God by prayer, etc., which cannot be too highly commended.

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EXODUS 22:30 You shall do likewise with your cattle and with your sheep. Seven days it shall be with its mother, then on the eighth day you shall give it to me.

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## Verse 30

Seven days it shall be with his dam - For the mother's health it was necessary that the young one should suck so long; and prior to this time the process of nutrition in a young animal can scarcely be considered as completely formed. Among the Romans lambs were not considered as pure or clean before the eighth day; nor calves before the thirtieth: Pecoris faetus die octavo purus est, bovis trigesimo - Plin. Hist. Nat., lib. viii.

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EXODUS 22:31 "You shall be holy men to me, therefore you shall not eat any flesh that is torn by animals in the field. You shall cast it to the dogs.

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## Verse 31

Neither shall ye eat - flesh - torn of beasts in the field - This has been supposed to be an ordinance against eating flesh cut off the animal while alive, and so the Syriac seems to have understood it. If we can credit Mr. Bruce, this is a frequent custom in Abyssinia; but human nature revolts from it. The reason of the prohibition against eating the flesh of animals that had been torn, or as we term it worried in the field, appears to have been simply this: That the people might not eat the blood, which in this case must be coagulated in the flesh; and the blood, being the life of the beast, and emblematical of the blood of the covenant, was ever to be held sacred, and was prohibited from the days of Noah. See Clarke's note on Gen 9:4.

In the conclusion of this chapter we see the grand reason of all the ordinances and laws which it contains. No command was issued merely from the sovereignty of God. He gave them to the people as restraints on disorderly passions, and incentives to holiness; and hence he says, Ye shall be holy men unto me. Mere outward services could neither please him nor profit them; for from the very beginning of the world the end of the commandment was love out of a pure heart and good conscience, and faith unfeigned, 1Tim 1:5. And without these accompaniments no set of religious duties, however punctually performed, could be pleasing in the sight of that God who seeks truth in the inward parts, and in whose eyes the faith that worketh by love is alone valuable. A holy heart and a holy, useful life God invariably requires in all his worshippers. Reader, how standest thou in his sight?